



1756

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Naomasa SHIRAISHI

Group Art Unit: 1756

Application No.: 09/868,316

Examiner: John Ruggles

Filed: August 23, 2001

Docket No.: 109820

For: PRODUCING METHOD AND APPARATUS OF PHOTOMASK

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In reply to the September 16, 2003 Restriction Requirement, Applicant provisionally elects Group II, claims 2-4 with traverse.

The Office Action asserts that Groups I, II, III, and IV do not relate to a general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same special technical features. Applicant respectfully disagrees.

The claims of Group I are directed to a producing method of a photomask on which a pattern to be transferred through a projection optical system under a predetermined first condition is formed comprising: forming a parent pattern obtained by enlarging the pattern on a first substrate, thereby forming a master mask; and transferring the parent pattern of the master mask onto a second substrate. See, for example, independent claim 1. Similarly, the claims of Group II are directed to a producing method of a photomask on which a pattern to be transferred through a projection optical system under a predetermined first condition is

formed comprising: forming a parent pattern obtained by enlarging the pattern on a first substrate, thereby forming a master mask; and transferring the parent pattern of the master mask onto a second substrate. See, for example, independent claim 2. Thus, the claims of Group II do not lack the same special technical features as asserted by the Office Action.

Applicant further respectfully submits that the claims of Group III, similar to Groups I and II, form a master mask and transfer an image of the master mask onto a second substrate. See, for example, independent claim 6. In other words, while the claims of Group III and of Groups I/II arguably differ in scope, it is respectfully submitted that they have the same special technical features.

It is also respectfully submitted that the subject matter of all claims 1-15 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: October 16, 2003

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